



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8P-W-WW

PUBLIC NOTICE OF NPDES GENERAL PERMIT

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS NOTICE IS TO STATE EPA'S INTENTION TO ISSUE SEVEN (7) GENERAL PERMITS FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY.

PERMIT INFORMATION

The proposed permits are for storm water discharges from regulated industrial activities where EPA Region 8 is the NPDES permitting authority.

<u>State</u>	<u>Permit No.</u>	<u>Areas covered by the general permit</u>
Colorado	COR05*##F	Federal Facilities in the State of Colorado, except those located in Indian Country
Colorado	COR05*##I	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
Montana	MTR05*##I	Indian country within the State of Montana
North Dakota	NDR05*##I	Indian country within the State of North Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under permit SDR05*##I listed below), as well as that portion of the Standing Rock Reservation located in South Dakota
South Dakota	SDR05*##I	Indian country within the State of South Dakota (except for the Standing Rock Reservation, which is covered under permit NDR05*##I listed above), as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota
Utah	UTR05*##I	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (permitted through EPA Region 9)
Wyoming	WYR05*##I	Indian country within the State of Wyoming

Region 8 of EPA is hereby giving notice of its tentative determination to issue an NPDES general permit for storm water discharges from regulated industrial activities. The general

permits are applicable to federal facilities within the State of Colorado and Indian country within the Region 8 states.

NPDES permit coverage is required for stormwater discharges from industrial activities as defined in federal regulations at 40 CFR§122.26(b)(14). Operators of regulated industrial activities are required to submit a Notice of Intent (NOI) and a pollution prevention plan to EPA Region 8 to be covered under the general permit. Upon receipt and approval of a complete NOI and pollution prevention plan, operators are authorized to discharge storm water from their industrial activities in accordance with the terms described in the permit. Those industries which have a direct discharge of process wastewater (non-stormwater) and/or whose stormwater discharges are subject to Effluent Limitation Guidelines (ELGs) must obtain permit coverage for their stormwater discharges under an individual permit.

Operators of regulated industrial activities must implement storm water management controls which are designed to protect water quality and ensure that discharges from industrial activities do not cause or contribute to a violation of water quality standards. Several storm water management controls must be addressed to determine compliance with the permit. Required controls are specifically described in the permit and address good housekeeping, identification of potential pollutant sources, preventative maintenance, spill prevention and response, material handling/waste management, employee training, record keeping, erosion/sediment control, illicit discharges, visual inspections, and comprehensive facility inspections. Operators must also submit a pollution prevention plan to the EPA which includes a site map and describes how the storm water management controls are being implemented at the specified location.

When the general permit is issued, it will be published by reference in the *Federal Register*. The general permit will be effective on the date specified in the *Federal Register*; with an expiration five years from such date.

EPA TENTATIVE DETERMINATIONS

In accordance with Section 401(a)(1) of the Clean Water Act, tentative determinations regarding the effluent limitations and other conditions to be imposed in this permit have been made by EPA staff. The limitations and conditions in this permit will assure that applicable provisions of the Clean Water Act will be protected. With the exception of the Flathead Indian Reservation, the Fort Peck Indian Reservation, the Northern Cheyenne Indian Reservation, and the Ute Mountain Indian Reservation, where the Tribes have Clean Water Act § 401(a)(1) certification authority, EPA intends to certify that the permit complies with the applicable provisions of the Clean Water Act so long as the permittees comply with all permit conditions. The permits will be issued for a period of five years, with the permit effective date and expiration date determined at the time of issuance.

PUBLIC COMMENTS

Public comments are invited. Comments must be received or postmarked no later than

January 8, 2007. Each comment should cite the page number and, where possible, the section(s) and/or paragraph(s) in the draft permit or fact sheet to which each comment refers. Comments should be submitted using a separate paragraph for each issue discussed. Public comments should be sent to: Greg Davis (8P-W-WW); NPDES Permits; U.S. EPA, Region 8; 999 18th Street, Suite 200; Denver, CO 80202-2466. Public comments will also be accepted via electronic mail (E-mail) at davis.gregory@epa.gov. All comments received prior to the deadline will be considered in the formulation of the final general permit.

If no objections are received prior to January 8, 2007, the Administrator of EPA Region 8 intends to issue a final general permit.

A public hearing may be requested in writing (see 40 CFR § 124.11) within the comment period concerning the proposed permit. EPA will hold a public hearing if on the basis of requests, a significant degree of public interest in the draft permit exists (see 40 CFR § 124.12). Within 120 days following notice of EPA's final decision for the general permit under 40 CFR § 124.15, any interested person may appeal the permit in the Federal Court of Appeals in accordance with section 509(b)(1) of the CWA. Persons affected by a general permit may not challenge the conditions of a general permit as a right in further Agency proceedings. They may instead either challenge the general permit in court, or apply for an individual permit as specified at 40 CFR § 122.21 (and authorized at 40 CFR § 122.28), and then petition the Environmental Appeals Board to review any conditions of the individual permit (40 CFR § 124.19 as modified on May 15, 2000, **65 FR 30886**).

FURTHER INFORMATION

Copies of the draft permit and fact sheet may be downloaded from the EPA Region 8 stormwater web site at <http://www.epa.gov/region8/stormwater>. Copies of the draft permit and fact sheet and further information on the draft permit are also available from either Greg Davis (303) 312-6314 (davis.gregory@epa.gov) or Ellen Bonner, (303) 312-6371 (bonner.ellen@epa.gov). Additionally, copies are available by request via mail at the address above in the Public Comments section.

